

REMARKS

Claims 8-15 have been canceled. Claims 1-7 remain pending in the application.

Applicants amended claim 1 to clarify the invention. Applicants refer to Figs. 1, 2, and their corresponding description in the specification for an exemplary embodiment of and support for the claim amendment. No new matter has been added.

Claims 1-5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Parent No. 3,750,022 to Curry et al. Applicants amended claim 1 in a good faith effort to further clarify the invention as distinguished from the cited prior art reference. Applicants respectfully traverse the rejection.

In response to applicants' previous claim amendments and remarks, the Examiner maintained the claim rejections because Curry et al. allegedly disclose

"Noise Measuring Equipment (Noise-ME) 25, located at HE 13, which monitors and measures, in a conventional manner, the noise levels of the upstream transmissions to LPC 16 and generate a signal to control LPC 16 to control subsequent upstream transmissions to minimize the reception of upstream noise and interference, if any noise exceeds a preselected threshold level (col. 3, lines 31-42), Curry further teaches that the Noise-ME 25 may be located at the PH-Sub 27 (col. 20, lines 12-19), to perform the above stated function of Noise-ME 25. Furthermore PH-Sub 27 is also located between the HE 13 and a plurality of Subscriber Terminals (STS)." Page 2, line 17 to Page 3, line 4 of the Office Action.

Although Curry et al. describes providing a Noise-ME 25 at each PH-Sub 27 (col. 20, lines 12-19 of Curry et al.), the Noise-ME 25 would still operate under the control of the LPC 16 by performing noise measurement according to instructions from the LPC 16 and transmitting the digitized noise measurement to the LPC 16 (please see, e.g., col. 20, lines 18-24 of Curry et al.). As such, the actual attenuation and amplification of signals would be independent of the location of the Noise-ME 25 since each PH-Sub 27 would monitor a digital signal from the head

end 13 (LPC 16) to generate the attenuation control signal. In other words, the LPC 16 at the head end 13 would control noise measurement, signal attenuation, and signal amplification even if the Noise-ME 25 were situated in each PH-Sub 27.

Therefore, Curry et al., as applied by the Examiner, fail to disclose,

"a noise-reduction device, provided between the center and the terminals, which detects a noise increase regarding the upward signals on the signal line to generate a control signal indicative of the noise increase, and is directly triggered by said control signal to attenuate the upward signals by an increased amount," as recited in amended claim 1. (Emphasis added)

Applicants respectfully submit that claim 1, together with claims 2-5 and 7 dependent therefrom, is patentable over Curry et al.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Curry et al. in view of U.S. Patent No. 6,385,773 to Schwartzman et al.

The Examiner acknowledged that Curry et al. fail to disclose "obtaining a level of noise 'through detection of noises observed on the signal line during a time period when no signal component is present.'" Page 8, lines 4-5 of the Office Action. The Examiner, accordingly, relied upon Schwartzman et al. as a combining reference to specifically disclose this feature. Therefore, even assuming, arguendo, that it would be obvious to one skilled in the art to combine the Curry et al. and Schwartzman et al. in the manner proposed by the Examiner, the combination would still fail to teach or suggest the above-cited features of base claim 1, from which claim 6 depends. For at least this reason, claim 6 is patentable over Curry et al. and Schwartzman et al., individually and in combination.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event that the Examiner disagrees

with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

The Examiner has made of record, but not applied, several additional U.S. patents. Applicants appreciate the Examiner's implicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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